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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,888	09/20/2000	Chris Connaughton	INXT 1021-2	6813
22470 7590 03/20/2008 HAYNES BEFFEL & WOLFELD LLP P O BOX 366 HALF MOON BAY, CA 94019				
EXAMINER				
BASHORE, WILLIAM L				
ART UNIT		PAPER NUMBER		
2176				
MAIL DATE		DELIVERY MODE		
03/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/665,888

Applicant(s)

CONNAUGHTON, CHRIS

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 61-70 is/are pending in the application.
- 4a) Of the above claim(s) 65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 61-64 and 66-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

- 1) This action is responsive to communications: RCE filed 7/30/2007 and Response to Restriction Practice filed 12/17/2007.
- 2) The filing date of this application is **9/20/1999**.
- 3) Claims 61-70 pending. Claims 1-60 have been canceled. Claim 61 is independent. Claim 65 has been withdrawn as per response to Restriction Requirement.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/30/2007 has been entered.

Election/Restrictions

Claim 65 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/17/2007.

Claim Rejections - 35 USC § 103

- 4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5) **Claims 61-64, 66-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baisley (US 6502112, filed Aug 27, 1999), in view of Aoyama et al (US 6098071, filed Jun 7, 1999), and further in view of Ball et al. (US 6,366,933, filed Oct. 27, 1995).**

Regarding claim 61, Baisley teaches parsing the first and second documents into a first and second plurality of groups of characters delineated by block level markup language tags (i.e. block elements) and executing a routine to match groups in the first plurality of groups with corresponding groups in the second plurality of groups, and to identify differences between said groups in the first plurality of groups and matching groups in the second plurality of groups. For example, Baisley discloses a method for comparing XML documents for identical contents, where a first XML document is parsed to create a graph of it's objects where each object is assigned a unique identification and a second XML document is parsed by a parser to create a graph of its objects where each object is assigned a unique ID. The compare module then compares the documents and provides an output signifying that the documents are equal or unequal (see col 4, lines 46-63). The two documents are compared to see if they are semantically identical, that is, there is a one to one correspondence between the objects in the two documents (col 5, lines 10-17).

Baisley does not teach, but Aoyama teaches composing a difference document comprising a third plurality of groups that include identified differences, and including elements that identify the differences; and generating a comparison document using a computer while preserving visual formatting of one of the first and second documents, with visual features denoting the identified differences. For example, Aoyama discloses a method for structured document difference string extraction, where after storing the difference data of comparing structured documents, the difference data is output in SGML form and displayed using an editor or viewer, such as a window displaying the difference data in structured form and defining the altered part by a solid line or otherwise discriminating the altered part by altering the color or type of the mark representing the structure by a solid line. These discriminated displays may be highlighted (col 14, lines 5-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Baisley to include outputting difference data in a structured form, such as an SGML document and discriminating the display by altering the color or type of the mark as taught by Aoyama, providing the benefit of extracting the

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difference between structured documents by taking the logical meaning and structure of the structured documents into consideration (Aoyama, Abstract section).

Baisley does not specifically teach a *"line-by-line comparison"*. However, Ball teaches a method of tracking and viewing changes of documents on the Web (Ball at least Abstract, column 1 lines 50-57). Ball teaches an embodiment utilizing an algorithm for differential file comparison, whereby a token is a textual line, and each line has weight equal to 1 (Ball column 17 line 65 to column 18 line 16). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Ball to Baisley, providing Baisley with a more accurate algorithm for comparison analysis.

It is noted that since Applicant's specification defines "normalization" as involving conversion of an HTML document into blocks, wherein each block may be treated as a single line (see Specification page 9 lines 1-8), Ball's teaching of a token line (in combination with Baisley and Aoyama) teaches a *"normalized"* document.

Regarding claims 62, 63 and 64, Baisley teaches tags (Baisley at least column 5-6 tables I and II). Although Baisley teaches XML, Baisley does not specifically teach HTML. However, Ball teaches HTML (typically comprising text, links, and formatting elements (Ball at least column 17). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Ball to Baisley, providing Baisley the benefit of a widely popular format.

Regarding claims 66, 67 and 68, Baisley suggests a form of normalizing by removing characters ignored during rendering and characters that define format information not relevant to said matching. For example, Baisley discloses standardizing all XML documents to a common standard semantic graph based format that the comparison algorithm is capable of processing for comparing a semantic graph encoded in documents rather than comparing textual content and comparing documents that ignores differences in internal differences (col 3, lines 5-20). It is noted that since characters are being removed, a character by character analysis is performed, and a set of rules to conduct said analysis is adhered to.

Regarding claims 69, 70, Baisley does not specifically teach a *"line-by-line comparison"*. However, Ball teaches a method of tracking and viewing changes of documents on the Web (Ball at least Abstract, column 1 lines

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50-57). Ball teaches an embodiment utilizing a (typical) algorithm for differential file comparison, whereby a token is a textual line, and each line has weight equal to 1 (Ball column 17 line 65 to column 18 line 16). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Ball to Baisley, providing Baisley with a more accurate algorithm for comparison analysis.

Comparison of documents will typically leave common content unchanged.

Response to Arguments

7) Applicant's arguments filed 7/30/2007 have been fully and carefully considered but they are not persuasive. Applicant's arguments substantially rely upon the assertion that the cited references do not teach Applicant's amended limitations. The examiner has introduced new art (Ball et al.) to teach said amended limitations.

Conclusion

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 9:00 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9) Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William L. Bashore/
William L. Bashore
Primary Examiner
Tech Center 2100

March 15, 2008